

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**  
(Attorney Docket No. 006917.00010)

In re U.S. Patent Application of )  
Axelsson, et al. )  
Application No. 09/891,380 ) Confirmation No. 2566  
Filed: June 27, 2001 ) Group Art Unit: 2623  
For: Cross-Device Sharing of Reminders ) Examiner: Usha Raman  
 )  
)

**BRIEF ON APPEAL**

Mail Stop: Appeal Brief-Patents  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is an appeal brief in accordance with 37 CFR §1.192 filed in support of Applicant's December 28, 2006 Notice of Appeal. Appeal is taken from the Final Office Action dated June 29, 2006. Accordingly, Applicant requests a two-month extension of time and the Commissioner is hereby authorized to charge any necessary fees to Deposit Account 19-0733. Should any additional fees be due, the Commissioner is authorized to charge such fee to Deposit Account No. 19-0733.

I. **REAL PARTY IN INTEREST**

The owner of this application, and the real party in interest, is Nokia Corporation.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

**III. STATUS OF CLAIMS**

Claims 1-3, 5-19 and 21-31 remain in the application. All pending claims (1-3, 5-19, and 21-31) stand rejected. Applicant is appealing alls pending claims (1-3, 5-19 and 21-31). All claims are shown in the attached appendix.

**IV. STATUS OF AMENDMENTS**

There are no amendments subsequent to the Final Office Action dated June 29, 2006.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention (as required by 37 CFR §41.37(c)(1)(v)), Applicant does not intend to limit the claims. All references to the specification and drawings are illustrative unless otherwise explicitly stated.

The pending application is directed towards “an electronic program guide system and a method for notification of programs to a friend or other persons.” (Sub. Spec., Field of the Invention, paragraph 1, lines 2-3). There are six (7) pending independent claims (claims 1, 18, 27-31).

Independent claim 1 is directed to an electronic program guide system. The first element recites a “receiving means for receiving at least one electronic program guide corresponding to a broadcast program”. Figure 1 shows electronic program guide system 1 that comprises receiving means 4, “such as a turner/receiver”. (Figure 1, and Sub. Spec., para. 22, ll. 4-5). “The tuner/receiver 4 receives broadcast programs, e.g. broadcast via cable, terrestrial or satellite, which programs may be watched on the TV set 3 and/or recorded on the hard disk 5. The tuner/receiver 4 further receives updates for the EPG.” (Sub. Spec., para. 24, ll. 1-3). In select embodiments “[t]he electronic program guide system may be incorporated in a set-top box, a mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2).

The next element recites a “selecting means for selecting a desired program from said electronic program guide.” As shown in Figure 2, “[t]he EPG is browsed 8 to find a program of interest, which program is then selected 9.” (Figure 2, and Sub. Spec. para. 25, ll. 2-3). The next step in claim 1 is a “notification means for creating a notification for the program selected front from said electronic program guide.” As provided in the application, the notification may be transmitted to a TV set or a mobile phone, for one or more individuals. Specifically, it is “possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example, a couple of minutes, before the program starts or sends an alert message, in the form of an SMS (SMS, short message service), to a mobile telephone a predetermined time, for example, at least ten minutes, before the program starts. An alert message is of small size and easily fit into an SMS. A reminder may alternatively be sent both to the TV 3 and to a mobile telephone. A

notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recoding flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.” (Sub. Spec., para. 25, l. 5 – para. 26, l. 11).

In those embodiments where notifications are transmitted to mobile devices, “[t]he alert flag in the notification may be in forms closely related to SMS, such as EMS (EMS, enhanced messaging service), or other mobile messaging systems such as MMS (MMS, multimedia messaging service) or in the form of an electronic mail to the mobile phone or other email address. [As discussed below in reference to the other elements of the claim, in select embodiments t]he alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS or electronic mail.” (Sub. Spec., para. 34, ll. 1-6).

The next two elements recite a “communication means for providing access to a communications network” and a “transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communication network, wherein said transmission means also are arranged to transmit an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.” According to one disclosed embodiment, “[t]he notification is thereafter coded and transmitted 19, by the network modem of the control device 7, to the electronic program guide system(s) of the friend(s). The transfer of the notification is accomplished with a particular protocol that conforms to TCP/IP (TCP/IP, transmission control protocol/internet protocol). Thus, the notification contains indications for a reminder to a program, a record instruction for a program, or both a reminder and a record instruction for a program, and optionally an alert message. (Sub. Spec., para. 27, ll. 1-7). The alert message may

be "in the form of an SMS (SMS, short message service), to a mobile telephone at a predetermined time, for example, at least ten minutes, before a program starts. An alert message is of small size and easily fit into an SMS. (Sub. Spec. para. 25, ll. 7-9).

The last element recites a "reception means for receiving a notification from a remote electronic program guide system." As shown in exemplary Figures 3a and 3b, "a notification is received 20 in the electronic program guide system 1 by the network modem of the control device 7 and decoded." (Sub. Spec., para. 29, ll. 1-2). As discussed above, the EPG may be incorporated into a set-top box, a mobile handset, a television receiver, or a mobile display device.

Independent claim 18 relates to a method for providing notifications of a program selected from an electronic program guide system. It comprises 5 elements. The first element recites "browsing the electronic program guide for identification of a program of interest" followed by the step of "selecting a desired program from said electronic program guide." As shown in the flowchart presented as Figure 2, "[t]he EPG is browsed 8 to find a program of interest, which program is then selected 9." (Figure 2, and Sub. Spec. para. 25, ll. 2-3).

The next element is "creating a notification of the program selected from said electronic program guide." As provided in one embodiment, a "friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recording flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification." (Sub. Spec., para. 26, ll. 3-11).

The next element is "transmitting the notification of the program selected from said electronic program guide to at least one remote electronic program guide system." According to one disclosed embodiment, "[t]he notification is thereafter coded and transmitted 19, by the network modem of the control device 7, to the electronic program guide system(s) of the friend(s). The transfer of the notification is accomplished with a particular protocol that conforms to TCP/IP (TCP/IP, transmission control protocol/internet protocol). Thus, the notification

contains indications for a reminder to a program, a record instruction for a program, or both a reminder and a record instruction for a program, and optionally an alert message. (Sub. Spec., para. 27, ll. 1-7).

The last limitation of claim 18 is “transmitting an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.” As provided in the application, “[t]he alert flag in the notification may be in forms closely related to SMS, such as EMS (EMS, enhanced messaging service), or other mobile messaging systems such as MMS (MMS, multimedia messaging service) or in the form of an electronic mail to the mobile phone or other email address. The alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS or electronic mail.” (Sub. Spec., para. 34, ll. 1-6). The alert message may be “in the form of an SMS (SMS, short message service), to a mobile telephone at a predetermined time, for example, at least ten minutes, before a program starts. An alert message is of small size and easily fit into an SMS. (Sub. Spec. para. 25, ll. 7-9).

Independent claim 27 recites a “computer program product stored on a computer readable storage medium, comprising computer readable program code means.” As explained in the application, methods may be “implemented as a computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the features described above. Such a computer program product may be directly loadable into the internal memory of a digital computer comprising software code portions for performing the features described above when said product is run on a computer.” (Sub. Spec., para. 39, l. 1 – para. 40, l. 3).

The first element recites “providing an electronic program guide for identification of a program of interest.” Figure 1 shows electronic program guide system 1 that comprises receiving means 4, “such as a turner/receiver”. (Figure 1, and Sub. Spec., para. 22, ll. 4-5). “The tuner/receiver 4 receives broadcast programs, e.g. broadcast via cable, terrestrial or satellite, which programs may be watched on the TV set 3 and/or recorded on the hard disk 5. The tuner/receiver 4 further receives updates for the EPG.” (Sub. Spec., para. 24, ll. 1-3). In select embodiments “[t]he electronic program guide system may be incorporated in a set-top box, a

mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2).

The next limitation recites “providing selection options for a desired program from said electronic program guide.” As shown in Figure 2, “[t]he EPG is browsed 8 to find a program of interest, which program is then selected 9.” (Figure 2, and Sub. Spec. para. 25, ll. 2-3). Selection may be performed through the user input means 2 of the electronic guide system 1.

The following limitation recites “creating a notification of the program selected from said electronic program guide.” As provided in the application, the notification may be transmitted to a TV set or a mobile phone, for one or more individuals. Specifically, it is “possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example, a couple of minutes, before the program starts or sends an alert message, in the form of an SMS (SMS, short message service), to a mobile telephone a predetermined time, for example, at least ten minutes, before the program starts. An alert message is of small size and easily fit into an SMS. A reminder may alternatively be sent both to the TV 3 and to a mobile telephone. A notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recoding flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.” (Sub. Spec., para. 25, l. 5 – para. 26, l. 11).

The next element is “obtaining transmission of the notification of the program selected from said electronic program guide to at least one remote electronic program guide system.” As set forth in the application, “[t]he electronic program guide system may be incorporated in a set-top box, a mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2). Further, in addition to transmitting a message on the TV set 3, a “notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as

a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button.” (Sub. Spec., para. 26, ll. 1-5).

The last element of claim 27 is “obtaining transmission of an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.” In those embodiments where notifications are transmitted to mobile devices, “[t]he alert flag in the notification may be in forms closely related to SMS, such as EMS (EMS, enhanced messaging service), or other mobile messaging systems such as MMS (MMS, multimedia messaging service) or in the form of an electronic mail to the mobile phone or other email address. The alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS or electronic mail.” (Sub. Spec., para. 34, ll. 1-6). In those embodiments utilizing an alert message, the alert message may be “in the form of an SMS (SMS, short message service), to a mobile telephone at a predetermined time, for example, at least ten minutes, before a program starts. An alert message is of small size and easily fit into an SMS. (Sub. Spec. para. 25, ll. 7-9).

Claim 28 is directed towards a “computer program product directly loadable into the internal memory of a digital computer comprising software code portions for performing the following steps when said product is run on a computer.” The elements of claim 28 are the same as claim 27. Specifically, the first element recites “providing an electronic program guide for identification of a program of interest.” Figure 1 shows electronic program guide system 1 that comprises receiving means 4, “such as a turner/receiver”. (Figure 1, and Sub. Spec., para. 22, ll. 4-5). “The tuner/receiver 4 receives broadcast programs, e.g. broadcast via cable, terrestrial or satellite, which programs may be watched on the TV set 3 and/or recorded on the hard disk 5. The tuner/receiver 4 further receives updates for the EPG.” (Sub. Spec., para. 24, ll. 1-3). In select embodiments “[t]he electronic program guide system may be incorporated in a set-top box, a mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2).

The next limitation recites “providing selection options for a desired program from said electronic program guide.” As shown in Figure 2, “[t]he EPG is browsed 8 to find a program of

interest, which program is then selected 9.” (Figure 2, and Sub. Spec. para. 25, ll. 2-3). Selection may be performed through the user input means 2 of the electronic guide system 1.

The following limitation recites “creating a notification of the program selected from said electronic program guide.” As provided in the application, the notification may be transmitted to a TV set or a mobile phone, for one or more individuals. Specifically, it is “possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example, a couple of minutes, before the program starts or sends an alert message, in the form of an SMS (SMS, short message service), to a mobile telephone a predetermined time, for example, at least ten minutes, before the program starts. An alert message is of small size and easily fit into an SMS. A reminder may alternatively be sent both to the TV 3 and to a mobile telephone. A notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recoding flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.” (Sub. Spec., para. 25, l. 5 – para. 26, l. 11).

The next element is “obtaining transmission of the notification of the program selected from said electronic program guide to at least one remote electronic program guide system.” As set forth in the application, “[t]he electronic program guide system may be incorporated in a set-top box, a mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2). Further, in addition to transmitting a message on the TV set 3, a “notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button.” (Sub. Spec., para. 26, ll. 1-5).

The last element of claim 28 is “obtaining transmission of an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.” The alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS or electronic mail.” (Sub. Spec., para. 34, ll. 1-6). The alert message may be “in the form of an SMS (SMS, short message service), to a mobile telephone at a predetermined time, for example, at least ten minutes, before a program starts. An alert message is of small size and easily fit into an SMS. (Sub. Spec. para. 25, ll. 7-9).

Independent claim 29 is directed towards “[a]n electronic program guide system.” Claim 29 comprises five elements. The first element recites a “receiving means for receiving at least one electronic program guide corresponding to a broadcast program”. Figure 1 shows electronic program guide system 1 that comprises receiving means 4, “such as a turner/receiver”. (Figure 1, and Sub. Spec., para. 22, ll. 4-5). “The tuner/receiver 4 receives broadcast programs, e.g. broadcast via cable, terrestrial or satellite, which programs may be watched on the TV set 3 and/or recorded on the hard disk 5. The tuner/receiver 4 further receives updates for the EPG.” (Sub. Spec., para. 24, ll. 1-3). In select embodiments “[t]he electronic program guide system may be incorporated in a set-top box, a mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2).

The next element recites a “selecting means for selecting a desired program from said electronic program guide.” As shown in Figure 2, “[t]he EPG is browsed 8 to find a program of interest, which program is then selected 9.” (Figure 2, and Sub. Spec. para. 25, ll. 2-3). The next step in claim 1 is a “notification means for creating a notification for the program selected front from said electronic program guide.” As provided in the application, the notification may be transmitted to a TV set or a mobile phone, for one or more individuals. Specifically, it is “possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example, a couple of minutes, before the program starts or sends an alert message, in the form of an SMS (SMS, short message service), to a mobile telephone a predetermined time, for example, at least ten minutes, before the program starts. An alert message is of small size and easily fit into an SMS. A reminder may alternatively be sent both to the TV 3 and to a mobile telephone. A notification of the selected program in the EPG may alternatively 11 be transmitted to one or

more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recording flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.” (Sub. Spec., para. 25, l. 5 – para. 26, l. 11).

In those embodiments where notifications are transmitted to mobile devices, “[t]he alert flag in the notification may be in forms closely related to SMS, such as EMS (EMS, enhanced messaging service), or other mobile messaging systems such as MMS (MMS, multimedia messaging service) or in the form of an electronic mail to the mobile phone or other email address. The alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS or electronic mail.” (Sub. Spec., para. 34, ll. 1-6).

The next two elements recite a “communication means for providing access to a communications network” and a “transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communication network, wherein said transmission means also are arranged to transmit an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.” According to one disclosed embodiment, “[t]he notification is thereafter coded and transmitted 19, by the network modem of the control device 7, to the electronic program guide system(s) of the friend(s). The transfer of the notification is accomplished with a particular protocol that conforms to TCP/IP (TCP/IP, transmission control protocol/internet protocol). Thus, the notification contains indications for a reminder to a program, a record instruction for a program, or both a reminder and a record instruction for a program, and optionally an alert message. (Sub. Spec., para. 27, ll. 1-7).

Claim 30 is directed towards “[a]n electronic program guide system.” Claim 30 recites 4 elements. The first element is “receiving means for receiving at least one electronic program

guide corresponding to a broadcast program.” Figure 1 shows electronic program guide system 1 that comprises receiving means 4, “such as a turner/receiver”. (Figure 1, and Sub. Spec., para. 22, ll. 4-5). “The tuner/receiver 4 receives broadcast programs, e.g. broadcast via cable, terrestrial or satellite, which programs may be watched on the TV set 3 and/or recorded on the hard disk 5. The tuner/receiver 4 further receives updates for the EPG.” (Sub. Spec., para. 24, ll. 1-3). In select embodiments “[t]he electronic program guide system may be incorporated in a set-top box, a mobile handset, a television receiver or a mobile display appliance.” (Sub. Spec., para. 33, ll. 1-2).

The next element recites “selecting means for selecting a desired program from said electronic program guide.” As shown in Figure 2, “[t]he EPG is browsed 8 to find a program of interest, which program is then selected 9.” (Figure 2, and Sub. Spec. para. 25, ll. 2-3). The next step in claim 1 is a “notification means for creating a notification for the program selected front from said electronic program guide.” As provided in the application, the notification may be transmitted to a TV set or a mobile phone, for one or more individuals. Specifically, it is “possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example, a couple of minutes, before the program starts or sends an alert message, in the form of an SMS (SMS, short message service), to a mobile telephone a predetermined time, for example, at least ten minutes, before the program starts. An alert message is of small size and easily fit into an SMS. A reminder may alternatively be sent both to the TV 3 and to a mobile telephone. A notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recording flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.” (Sub. Spec., para. 25, l. 5 – para. 26, l. 11).

In those embodiments where notifications are transmitted to mobile devices, “[t]he alert flag in the notification may be in forms closely related to SMS, such as EMS (EMS, enhanced messaging service), or other mobile messaging systems such as MMS (MMS, multimedia messaging service) or in the form of an electronic mail to the mobile phone or other email address. The alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS or electronic mail.” (Sub. Spec., para. 34, ll. 1-6).

The next two elements provide a “communication means for access to a communications network” and a “reception means for receiving a notification from a remote electronic program guide system via an SMS.” As shown in exemplary Figures 3a and 3b, “a notification is received 20 in the electronic program guide system 1 by the network modem of the control device 7 and decoded.” (Sub. Spec., para. 29, ll. 1-2; see also element 25 of Figure 3a, entitle “send alert to mobile phone”). The alert message may be “in the form of an SMS (SMS, short message service), to a mobile telephone at a predetermined time, for example, at least ten minutes, before a program starts. An alert message is of small size and easily fit into an SMS. (Sub. Spec. para. 25, ll. 7-9).

The last independent claim, claim 31, is directed towards a “method for receiving notifications of a program selected from an electronic program guide system”. The sole element of claim 30 recites “receiving a notification of a program selected from said electronic program guide in a remote electronic program guide system via an SMS.” As discussed in reference to exemplary embodiments, methods may be incorporated that “sends an alert message, in the form of an SMS (SMS, short message service), to a mobile telephone a predetermined time, for example, at least ten minutes, before the program starts. An alert message is of small size and easily fit into an SMS.” (Sub. Spec., para. 25, l. 5 – para. 26, l. 11).

Further, “[i]n those embodiments where notifications are transmitted to mobile devices, “[t]he alert flag in the notification may be in forms closely related to SMS, such as EMS (EMS, enhanced messaging service), or other mobile messaging systems such as MMS (MMS, multimedia messaging service) or in the form of an electronic mail to the mobile phone or other email address. The alert flag in the notification may alternatively be replaced by an alert message transmitted directly to a mobile phone of the friend or friends, for example, by SMS, MMS, EMS

or electronic mail.” (Sub. Spec., para. 34, ll. 1-6). As shown in exemplary Figures 3a and 3b, “a notification is received 20 in the electronic program guide system 1 by the network modem of the control device 7 and decoded.” (Sub. Spec., para. 29, ll. 1-2; see also element 25 of Figure 3a, entitle “send alert to mobile phone”).

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- Claims 1-3, 5-19 and 21-31 are rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over Alexander et al. (US Patent 6,177,931) in view of Haken (US Pre Grant Pub. 2004/0008972).

## ARGUMENT

### Introduction

The Examiner asserts Alexander (U.S. Pat. No. 6,177,931) discloses an EPG system comprising, *inter alia*, a notification means and a transmission means. (Office Action dated June 29, 2006; pages 3-4). The Examiner, however, concedes that Alexander does not disclose the step of “transmitting a notification of the program selected from the EPG to at least one remote program guide system using the communication network,” but believes this limitation is met by Haken (U. S. Pat. App. Pub. No. 20040008972). (*Id.* at 3). The Examiner then takes Official Notice, that since SMS messages where known, “[i]t would have been obvious to one of ordinary skill in the art to modify the system of Alexander in view of Haken by transmitting a notification of a program selected from the EPG (program recommendations) to a remote program guide system.” (*Id.*). There is, however, no indication what disclosure within any art or record of at least “transmitting an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset,” “reception means for receiving a notification from a remote electronic program guide system via an SMS,” or any suggestion of SMS as claimed. Further, the communication structures of either Haken or Alexander, individually or in combination, are not configured to transmit communication as recited in the rejected claims.

Applicants, therefore, respectfully disagree that all the claim limitations are taught, disclosed, or otherwise suggested by either of the references, either individually or in combination, and further respectfully submit that combining the teachings of Alexander and Haken would not teach, disclose or suggest the subject matter of the rejected claims.

### Haken’s Recommended Events Do Not Meet the Claim Limitations

A review of Haken’s PTRs (Personal TV Receivers), specifically the communications between the PTRs readily illustrates several novel and non-obvious elements in the rejected claims. It is clear that Haken did not conceive at least “transmitting an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset,, “reception means for receiving a notification from a remote electronic program guide system via an SMS,” or indeed any usage or suggestion of SMS as claimed.

First, the PTRs of Haken require every communication, including scheduling or reminder notifications, to pass through a scheduling server that is operated by a PTR service provider. Haken states:

As previously mentioned, each of the PTRs 100A, 100B,.., 100N are connected to the schedule server 400 via POTS 350. In addition, FIG. 4 depicts an Internet enabled client 600, e.g., a computer or e-mail appliance, coupled to, for example, a mail server 500 via a wide area network 550. The mail server 500 transmits scheduling messages directed to any or all of the PTRs 100A, 100B,.., 100N to the schedule server 400 via a communications channel 450.

(Haken, page 3, para. 31, lines 4-8, emphasis added). Thus, any scheduling messages sent from any component, including any internet-enabled client, such as client 600, must pass through a server operated by the same PTR service provider as utilized by all the PTRs (100N). This requirement is further confirmed in any following description of any embodiments, including the remote user cited by the Examiner as allegedly being the handset. For example, FIG. 5B shows a routine:

by which the PTR 100A illustrated in FIG. 4 receives recommended recording events from remote users via the schedule server 400. During step S200, the PTR 100A loads the recommendation routine, preferably when the PTR establishes a connection with the schedule server 400 for its daily schedule update. It will be appreciated that the PTR 100A can also be programmed to poll the schedule server 400 for recommendations at a more frequent interval, depending on the users habits and the number of recommendations normally received by the owner.

(Haken, page 4, para. 35, lines 2-11, emphasis added). It is exactly this scheduling server, server 400, that is utilized in conjunction with the internet-enabled device 600 described in paragraph 39 that the Examiner cites when rejecting the pending claims. The communication is only between PTRs connected through a scheduling server of a common provider.

Along these lines, paragraph 8, also cited by the Examiner, merely proposes systems and methods “which will permit the owner of a first PTR to communicate recommended recording events to other owners of PTRs.” (Haken, Background of the Invention Section, page 1, paragraph 8, lines 10-13 emphasis added; see also para. 25, reciting: the PTR according to the present invention includes the ability to transmit schedule changes and recommended recording events to other individuals known to have PTR’s of their own.). The paragraph further provides systems and methods “which will permit a PTR to receive changes to a recording schedule

transmitted from a remote location" and "which permits the PTR to be programmed [by] any client device." (Haken, Page 1, para. 8; lines 7-9, emphasis added). The explanation and description of such features provided in the Detailed Description merely relate to "enabl[ing] users to program their PTRs" (Haken, Page 3, para. 32, lines 2-3).

Conversely, independent claims 1, 18, 27, 28 and 29 recite the transmitting of (or provide the systems or methods for permitting the transmission of) an alert message to a mobile handset **in addition to** transmitting a notification of a selected program to another electronic program guide. For example, claim 18 recites the step of "transmitting the notification of the program selected from said electronic program guide to at least one remote electronic program guide system," however, claim 18 further recites the additional step of "transmitting an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset."

Any communication cited by the Examiner towards the internet-enabled device is in the context of delivering scheduling from one PTR to another. Thus, even assuming *arguendo*, that this action meets the limitation of "transmitting the notification of the program selected from said electronic program guide to at least one remote electronic program guide system", there is no teaching, suggestion, or even motivation for any action similar to "transmitting an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset", which is an entirely different action. This is further elaborated on according to one exemplary embodiment described in the Specification of the present invention. As provided in the exemplary embodiment:

When an alert message is transmitted directly to the mobile phone or other email address of the friend or friends a reminder or recording notification is always also transmitted to the electronic program guide system of the friend or friend such that the user of that electronic program guide does not note down nor remember reminding/recording parameters, such as TV channel, start and stop times for the recommended program.

(Specification, para. 35, lines 1-6, emphasis added). Thus, the transmission to the mobile phone does not have to be to an electronic program guide (otherwise, there would be no concern of requiring the user to take any notes of scheduling any reminder). Further, unlike Haken, the SMS messages are not required to be directed towards a PTR. Further, the rejected claims do not

require a scheduling server operated by the same provider that must route all communication to ensure their delivery, thus the recited claims are distinctly different for several reasons.

Claims 30 and 31 are also distinct from Haken. Claims 30 recites a “reception means for receiving a notification from a remote electronic program guide system via an SMS” and claim 31 recites “ receiving a notification of a program selected from said guide in a remote electronic program guide system via an SMS.” The SMS messages are not required to be directed towards a PTR nor do claims 30 and 31 require a scheduling server operated by the same provider that must route all communication to ensure their delivery.

For at least the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Alexander's Program Guide Does Not Meet the Claim Limitations**

Applicants further respectfully disagree that Alexander teaches, discloses, or even suggests the claimed subject matter of the rejected claims, either individually or in conjunction with Haken. In rejecting the claims, the Examiner first suggests the notification means for creating a notification for the program selected from said program guide is disclosed in Col 14, line 47 - Col 15, line 31 and Col. 7 lines 58-62. The cited sections of columns 14 and 15, however, are under the heading “On-screen Notification,” and merely discuss displaying notification on the screen where the only disclosed electronic program guide (“EPG”) is located. Specifically the section begins with the statement “The EPG formats on-screen notifications to the viewer and displays the notification to the viewer. On-screen notifications can be used to alert the viewer to any number of possible items of information.” (Alexander, Col. 14, lines 47-51). The cited portion of column 7 falls under the heading “Record Selection Function,” and merely describes a user at the EPG selecting what programs to record.

The above discussed sections of Alexander raise several issues. First, the “reception means” that receives the notification described above is interpreted by the Examiner is being the same EPG where a supposed notification of “the program selected” was created. Specifically, the Examiner states “the internet-enabled remote electronic guide system as described above is interpreted to be a reception means for receiving a notification from the electronic program guide.” (Office Action dated June 29, 2006, Page 3). Thus, the communication means

interpreted by the Examiner – email through the internet – is not even used. Specifically, the Examiner interprets the communication means of Alexander as being described in Col. 12, lines 36-39. (Office Action dated June 29, 2006, page 3). The cited disclosure falls under the heading “Improved Features to the EPG Display and Navigation” with the sub-heading of “E-mail.” The cited text merely states that “the viewer can access the Internet to send and receive e-mail.” Thus the communication means presented in Alexander is an ability to send e-mail. There is no teaching, disclosure, or suggestion of any communication with any other EPGs, PTRs, mobile devices or the ability or suggestion of communicating recording commands to other users.

Even when combining Alexander with the teachings of Haken, there can be no teaching, disclosure, or suggestion of at least “transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communication network” as the Examiner refers to communication within a single EPG. As discussed above, merely applying Haken’s communication structure does not teach, suggest, or disclose such systems and methods for communicating as provided in the rejected claims.

For at least the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

### CONCLUSION

The rejections contained in the Action of December 1, 2006 should be reversed for at least the reasons recited above. Reversal of the rejections is respectfully requested.

Respectfully submitted,

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**CLAIMS APPENDIX**

1. An electronic program guide system comprising:
  - receiving means for receiving at least one electronic program guide corresponding to a broadcast program;
  - selecting means for selecting a desired program front said electronic program guide;
  - notification means for creating a notification for the program selected from said electronic program guide;
  - communication means for providing access to a communications network;
  - transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communication network, wherein said transmission means also are arranged to transmit an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset; and
  - reception means for receiving a notification from a remote electronic program guide system.
2. The electronic program guide system as claimed in claim 1, wherein said communication means is a network modem.
3. The electronic program guide system as claimed in claim 1, wherein said reception means further comprises authorization means for determining if a notification received originated within an authorized remote electronic program guide system.

4. (Cancelled)

5. The electronic program guide system as claimed in claim 1, wherein said transmission means is arranged to transmit said notification as an electronic mail to said at least one remote electronic program guide system.

6. The electronic program guide system as claimed in claim 1, wherein said notification includes information indicating the program selected from said electronic program guide.

7. The electronic program guide system as claimed in claim 1, wherein said notification includes recording parameters for the program selected from said electronic program guide.

8. The electronic program guide system as claimed in claim 3, wherein said authorization means further are arranged to authorized recording of the program selected from said electronic program guide if a notification received originated within an authorized remote electronic program guide system.

9. The electronic program guide system as claimed in claim 1, wherein said notification includes information indicating the program selected from said electronic program guide and recording parameters for the program selected from said electronic program guide.

10. The electronic program guide system as claimed in claim 1, further comprising means for generating recording instructions to a recording device associated with said electronic program guide system based on said notification.

11. The electronic program guide system as claimed in claim 10, further comprising user input means for obtaining user acceptance of said notification before generating the recording instructions.

12. The electronic program guide system as claimed in claim 1, wherein said transmission means are arranged to transmit a notification of the program selected from said electronic program guide to a plurality of remote electronic program guide systems.

13. The electronic program guide system as claimed in claim 1, wherein said electronic program guide system is, incorporated in an integrated receiver decoder.

14. The electronic program guide system as claimed in claim 1, wherein said electronic program guide system is incorporated in a set-top box.

15. The electronic program system as claimed in claim 1, wherein said electronic program guide system is incorporated in a mobile handset.

16. The electronic program guide system as claimed in claim 1, wherein said electronic program guide system is incorporated in a television receiver.

17. The electronic program guide system as claimed in claim 1, wherein aid electronic program guide system is incorporated in a mobile display appliance.

18. A method for providing notifications of a program selected from an electronic program guide system comprising the steps of:

browsing the electronic program guide for identification of a program of interest;

selecting a desired program from said electronic program guide;

creating a notification of the program selected from said electronic program guide; and

transmitting the notification of the program selected from said electronic program guide to at least one remote electronic program guide system; and

transmitting an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.

19. The method as claimed in claim 18, further comprising the step of:

determining in the remote electronic program guide system if a notification received originated within an authorized remote electronic program guide system.

20. (Cancelled)

21. The method as claimed in claim 18, further comprising the step of:

transmitting said notification as an electronic mail to said remote electronic program guide system.

22. The method as claimed in claim 18, further comprising the step of:  
authorizing recording of the program selected from said electronic program guide if a notification received originated within an authorized remote electronic program guide system.
23. The method as claimed in claim 18, further comprising the step of:  
generating recording instructions to a recording device associated with said electronic program guide system based on said notification.
24. The method as claimed in claim 22, further comprising the step of:  
generating recording instructions to a recording device associated with said electronic program guide system based on said notification.
25. The method as claimed in claim 23, further comprising the step of:  
obtaining user acceptance of said notification before generating the recording instructions.
26. The method as claimed in claim 18, further comprising the step of:  
transmitting a notification of the program selected from said electronic program guide to a plurality of remote electronic program guide systems.
27. A computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the following steps:

providing an electronic program guide for identification of a program of interest;  
providing selection options for a desired program from said electronic program guide;  
creating a notification of the program selected from said electronic program guide;  
obtaining transmission of the notification of the program selected from said electronic  
program guide to at least one remote electronic program guide system; and  
obtaining transmission of an alert message indicating said notification to an SMS server  
to be forwarded as an SMS to a mobile handset.

28. A computer program product directly loadable into the internal memory of a digital  
computer comprising software code portions for performing the following steps when said  
product is run on a computer:

providing an electronic program guide for identification of a program of interest;  
providing selection options for a desired program from said electronic program guide;  
creating a notification of the program selected from said electronic program guide;  
obtaining transmission of the notification of the program selected from said electronic  
program guide to at least one remote electronic program guide system; and  
obtaining transmission of an alert message indicating said notification to an SMS server  
to be forwarded as an SMS to a mobile handset.

29. An electronic program guide system comprising:

receiving means for receiving at least one electronic program guide corresponding to a  
broadcast program;  
selecting means for selecting a desired program from said electronic program guide;

notification means for creating a notification for the program selected from said electronic program guide;

communication means for access to a communication network;

transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communications network, wherein said transmission means also are arranged to transmit an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.

30. An electronic system guide system comprising:

receiving means for receiving at least one electronic program guide corresponding to a broadcast program;

selecting means for selecting a desired program from said electronic program guide;

communication means for access to a communications network; and

reception means for receiving a notification from a remote electronic program guide system via an SMS.

31. A method for receiving notifications of a program selected from an electronic program guide system comprising the step of:

receiving a notification of a program selected from said electronic program guide in a remote electronic program guide system via an SMS.

**VI. EVIDENCE APPENDIX**

None.

**VII. RELATED PROCEEDINGS APPENDIX**

None.